

121.190 Identification of contributors and advertisers.

- (1) All newspaper or magazine advertising, posters, circulars, billboards, handbills, sample ballots, and paid-for television or radio announcements which expressly advocate the election or defeat of a clearly identified candidate, slate of candidates, or group of candidates for nomination or election to any public office shall be identified by the words "paid for by" followed by the name and address of the individual or committee which paid for the communication; except that if paid for by a candidate, slate of candidates, or campaign committee, it shall be identified only by the words "paid for by" followed by the name of the candidate, slate of candidates, or campaign committee, whichever is applicable. For television and radio broadcasts, compliance with Federal Communications Commission regulations regarding sponsored programs and broadcasts by candidates for public office shall be considered compliance with this section.
- (2) The disclaimer described in subsection (1) of this section shall appear and be presented in a clear and conspicuous manner to give the reader or observer adequate notice of the identity of the purchaser of the communication. A disclaimer does not comply with this section if the disclaimer is difficult to read or if the placement of the disclaimer is easily overlooked.
- (3) The provisions of subsection (1) of this section shall not apply to:
 - (a) Any news articles, editorial endorsements, opinion, or commentary writings, or letter to the editor printed in a newspaper, magazine, flyer, pamphlet, or other periodical not owned or controlled by a candidate or committee;
 - (b) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or committee;
 - (c) Any communication by a person made in the regular course and scope of the person's business or any communication made by a membership organization solely to members of the organization and the members' families; and
 - (d) Any communication that refers to any candidate only as part of the popular name of a bill or statute.
- (4)
 - (a) A person shall not use, cause or permit to be used, or continue to use any published, distributed, or broadcast political advertising containing express advocacy that the person knows does not include the disclosure required by subsection (1) of this section. A person is presumed to know that the use of political advertising is prohibited by this subsection if the registry notifies the person in writing that the use is prohibited.
 - (b) A person who learns that political advertising signs that have been distributed do not include the disclosure required by subsection (1) of this section or include a disclosure that does not comply with subsection (1) of this section does not commit a violation of this subsection if the person makes a good-faith attempt to remove or correct those signs within forty-eight (48) hours and provides the registry with proof of correction.
- (5) The management of newspapers and magazines shall keep a one (1) year record of all statements, articles, or advertisements referred to in subsection (1) of this section, that appear in their publications, however, nothing in subsection (1) of this

section shall be construed to require editors or editorial writers of newspapers and magazines to identify themselves in the manner therein required with any article or editorial written by them as part of their duties as an employee or employer.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 107, sec. 10, effective July 15, 2024. -- Amended 1996 Ky. Acts ch. 153, sec. 8, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 458, sec. 13, effective July 15, 1994. -- Created 1974 Ky. Acts ch. 130, sec. 191.